

REMARKS

This Amendment is in reference to the Office Action of October 5, 2004.

The Examiner is thanked for the courtesy of the interviews of February 1 and February 2, 2005. During these interviews the fact that the claimed cast net structure incorporates an elastic wrist cuff was discussed. This fact will be discussed in greater detail herein below.

During the above set forth interviews no firm agreement was reached as to the allowance of the amendment claims as set forth above. All of the claims remaining in the case cover a cast net having defined elements. The 35 USC 103 rejections as set forth in the Office Action are traversed.

As to the 35 USC 103 rejection as being anticipated by Ardern in view of Dietrich, has been noted, it is the applicants counsel position that this rejection is improper as Arden fails to disclose an element which could be considered to be a an flexible elastic cuff. In contrast Ardern only discusses the use of a binding knot to secure the throw line of his cast net to the throwers hand. Ardern does not even hint of an elastic cuff in combination with a cast net. Further in the Ardern structure loop 48 and throw line 44 are formed from the same material. In contract amended Claim 1, as set forth above defines that the elastic waist cuff and the throw line are formed from different materials.

Likewise, as to the rejection under 35 USC 103 as being unpatentable over Ardern in view of Dietrich, the Examiner is asked to consider whether there could ever be a valid patent if an Examiner could at will combine the components of various

references to find an invention obvious. It is submitted that the Examiner can not make a valid rejection under 35 USC 103 by taking lanyard 19 of Dietrich, an attach this Lanyard to the throw line of Ardern.

It is submitted that the subject invention solved the problem of having a throw line binding on the wrist of a cast net thrower. The binding of the throw line in the wrist of the thrower can cause severe discomfort and it is dangerous. The solving of these problem was an advancement in the art and hence the claims remaining in the case as set forth above are allowable.

Again the Examiner is asked to consider that this invention relates to a cast net which has a elastic cuff whereby the net is secured to the users wrist. Cast nets with elastic cuffs are not known or shown in the prior art.

In accordance with the above set forth amendments it is felt that the claims remaining in the case are in condition for allowance. As to this allowance the Examiner is asked to note that the claims of this application relate to a specific cast net which has a defined structure, which is not shown in the prior art. This defined structure incorporates an elastic cuff.

Further all claims relate to a cast net that has an elastic cuff. It is submitted that cast net as claimed, having an elastic cuff is not shown in the prior art of record.

For this reason the applicant is of the opinion that the claims pending in the subject application are in condition for allowance.

Reconsideration and allowance is respectfully requested.

If the Examiner is of the opinion that a further telephone interview with the applicant's attorney would expedite the prosecution of the instant application, he is asked to call the applicant's attorney at the below listed number.



Respectfully submitted,

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I hereby certify that this amendment is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, Box 1450, Alexandria, Virginia 22313.

Donald R Bahr

Donald R. Bahr

Feb 2, 2005

Date of Signature